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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 50 of 1992.

A.K. Agrawal

Applicant.

versus

Union of India & another

Respondents.

Shri A.P. Singh Gaur

Counsel for Applicant.

Dr. Dinesh Chandra

Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

This application is directed against the transfer order dated 11.9.1991, which has now come into effect, as the applicant has already joined on 8.8.1992 and that is why this application has become infructuous, according to the respondents. The applicant was employed as Pharmacist and was posted at Lucknow in C.G.H.S and he was transferred to Delhi vide impugned order of transfer. According to the applicant, the applicant has applied for extension of his leave, while he was availing leave and the transfer order was served during his leave period. The transfer order has been challenged on the ground that it was malafide order and same tantamounts to punishment, in as much as he has been transferred to different cadre.

2. According to the respondents, the transfer

order, as a matter of fact has been made in the same capacity and the transfer order has been passed in public interest and on administrative grounds and it has been made clear in the transfer order that his seniority will be maintained in C.G.H.S. It is because of certain enquiry against the applicant, whose wife was running Chemist shop and several suits were pending in the court of Civil Judge, Lucknow and the applicant was defending the cases and it was considered desirable to transfer the applicant out of Lucknow.

3. Obviously, the wife/was litigating and the applicant was an employee and it was desirable in the interest of fairness that for time being the applicant may be shifted elsewhere so that prosecution may go on smoothly and the transfer order in these circumstances cannot be said to be mala fide or tainted with malice. The application has no merit and is accordingly dismissed. However, it will be open for the applicant to apply for transfer back to Lucknow as the transfer order was passed only for time being. No order as to costs.


Adm. Member.


Vice Chairman.

Lucknow:Dated: 29.1.93.